

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

TAMARAH C. LOUIS and EMMANUEL
G. LOUIS, JR., individually, and on behalf of Case No. 22-12217
all others similarly situated,

Plaintiffs-Appellants,

v.

BLUEGREEN VACATIONS UNLIMITED,
INC., a Florida corporation, and
BLUEGREEN VACATIONS
CORPORATION, a Florida corporation,

Defendants-Appellees.

**MOTION OF *AMICUS*
CURIAE CONSUMER
FINANCIAL PROTECTION
BUREAU FOR LEAVE TO
PARTICIPATE IN ORAL
ARGUMENT**

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Louis v. Bluegreen Vacations Unlimited, Inc., No. 22-12217

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Eleventh Circuit Rule 26.1, counsel for *amicus curiae* Consumer Financial Protection Bureau certify that the following persons and entities have an interest in the outcome of this appeal:

Bateman, Kristin, Assistant General Counsel, CFPB

Bedoya, Alvaro, Commissioner, FTC

Bressler, Steven, Deputy General Counsel, CFPB

Consumer Financial Protection Bureau (CFPB)

Cooper, Ryan, Senior Counsel, CFPB

Dasgupta, Anisha S., General Counsel, FTC

Federal Trade Commission (FTC)

Frotman, Seth, General Counsel, CFPB

Grossman, Bradley D., Attorney, FTC

Hussain, Laura, Former Assistant General Counsel, CFPB

Khan, Lina M., Chair, FTC

Marcus, Joel, Deputy General Counsel, FTC

Slaughter, Rebecca Kelly, Commissioner, FTC

Wilson, Christine S., Commissioner, FTC

Motion of *Amicus Curiae* Consumer Financial Protection Bureau for Leave to Participate in Oral Argument

The Consumer Financial Protection Bureau (Bureau) respectfully moves, pursuant to Federal Rules of Appellate Procedure 27 and 29(a)(8), for leave to participate in oral argument in this case. The Bureau and the Federal Trade Commission (FTC) filed an *amicus* brief in support of Plaintiffs-Appellants on November 21, 2022. Oral argument is scheduled for October 6, 2023. The Bureau respectfully requests that the Court grant five additional minutes of argument time to the Bureau. If the Court does not wish to increase the total argument time, the Bureau respectfully requests, in the alternative, that the Court reallocate to the Bureau five minutes of the time it has allocated to Plaintiffs-Appellants.

This case presents the question of when American servicemembers have Article III standing to bring suit in federal court to enforce the Military Lending Act (MLA), 10 U.S.C. § 987. The MLA provides active-duty servicemembers and their dependents certain protections in consumer financial markets. For example, the law prohibits creditors from requiring servicemembers to pay an annual interest rate greater than thirty-six percent on any covered loan, *id.* § 987(b); it requires that creditors provide servicemembers certain information before issuing a loan, *id.* § 987(c); and it prohibits creditors from extending credit with respect to which the creditor requires servicemembers to submit to arbitration, *id.* § 987(e)(3), (f)(4). A loan that violates the MLA is “void from [its] inception.” *Id.* § 987(f)(3). And

when a lender violates the MLA, the law provides that a servicemember may bring suit in federal court for damages and “appropriate equitable or declaratory relief.” *Id.* § 987(f)(5).

The Bureau has significant authority with respect to the MLA and has a substantial interest in ensuring that its provisions are enforceable in federal court as Congress intended. While the MLA is enforceable by servicemembers through its private right of action, it can also be enforced by the Bureau, as well as the FTC and other federal agencies. *See id.* § 987(f)(6). The Bureau exercises this enforcement authority to protect American servicemembers and their families. *E.g., CFPB v. FirstCash, Inc.*, No. 21-1251 (N.D. Tex. Nov. 12, 2021). In addition to enforcing the MLA, the Bureau also consults with the Department of Defense on the issuance of regulations implementing the MLA. *See* 10 U.S.C. § 987(h)(3)(E). Accordingly, the Bureau respectfully submits that its participation in oral argument will aid the Court’s consideration of this appeal and should impose no burden or inconvenience on the Court.

The Bureau conferred with counsel for the parties. Plaintiffs-Appellants are not opposed to the relief requested, and Defendants-Appellees are not opposed to the relief requested, provided that, if the Court enlarges the argument time to grant the Bureau five additional minutes (rather than five minutes of the time currently allocated to Plaintiffs-Appellants), it also grants Defendants-Appellees five

additional minutes of time so that both sides have equal time. Should the Court grant the Bureau additional argument time, Plaintiffs-Appellants have no objection to the Court also granting Defendants-Appellees a corresponding increase in time.

For these reasons, the Bureau respectfully requests leave to participate in oral argument.

Dated: August 23, 2023

Respectfully submitted,

/s/ Ryan Cooper

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the Federal Rule of Appellate Procedure 27(d)(2)(A) because excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), the document contains 510 words as counted by the word processing software used to create the document. I further certify that this document complies with Federal Rule of Appellate Procedure 32(a)(5) and Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared using Times New Roman 14-point font.

Dated: August 23, 2023

/s/ Ryan Cooper

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Consumer Financial Protection Bureau

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on August 23, 2023.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: August 23, 2023

/s/ Ryan Cooper

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